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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/966,533

09/28/2001

Russell F. Mcknight

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04/06/2006

GATEWAY, INC.

ATTN: Patent Attorney

610 GATEWAY DRIVE

MAIL DROP Y-04

N. SIOUX CITY, SD 57049

EXAMINER

DEANE JR, WILLIAM J

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/966,533

Applicant(s)

MCKNIGHT, RUSSELL F.

Examiner

William J. Deane

Art Unit

2642¹⁴

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1- 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,631,188 (Sands) in view of U.S. Patent Application No. 2002/0131565 (Scheuring et al.).

With respect to claims 1 - 2, 4, 10 - 12, 14 - 15, 19 and 22 - 26 note that Sands teaches a caller ID unit for identifying caller information associated with an incoming call (see Fig. 5), and scheduling means for a call-back (Abstract).

With respect to the caller ID means it would have been obvious to one of ordinary skill in the art to have incorporated the caller ID device into the phone 12 as such only entail putting two separate devices used together and incorporating them into one device.

With further respect to the scheduling means and the limitations of claims 4, 14, 19 and 22 - 23, note Fig. 1 of Scheuring et al. and paragraphs 0077 and 0078 of Scheuring et al. It would have been obvious to one of ordinary skill in the art to have incorporated such a scheduling means as taught by Scheuring et al. into the Sands system as such would only entail the substitution of one scheduling means for another.

With respect to claim 3, note Fig. 1 of Sands.

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With respect to claim 5, note Abstract.

With respect to claim 6, note Abstract and controls (40) of Sands.

With respect to claim 7, note telephone 12 of Sands.

With respect to claim 8, note storage device 26 of Sands.

With respect to claim 9, note storage device 28 of Sands.

With respect to claim 13, note elements 42 and 44 of Sands.

With respect to claims 16 - 18, note telephone 12 and caller ID unit 22. The other means cited would be obvious in view of Sands and the other art cited prior art cited throughout the prosecution of the case.

With respect to claim 21, note that, as broadly claimed, telephone 12 is a portable handheld device.

Response to Arguments

Applicant's arguments with respect to claims 1 - 26 have been considered but are moot in view of the new ground(s) of rejection.

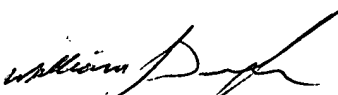
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the Figs. and Abstracts of the references cited on the accompanying 892.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (571) 272-7484. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (703) 273-8300.

02April2006


WILLIAM J. DEANE, JR.
PRIMARY EXAMINER